

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Docket No.: 1:22-cv-05985

LEOVA JENKINS, as Administrator of the Estate of
ELOISE BROOKS, Deceased,

Judge: Hon. Paul A. Engelmayer

Plaintiff,

-against-

ORDER

DEWITT REHABILITATION AND NURSING
CENTER, INC. d/b/a UPPER EAST SIDE
REHABILITATION AND NURSING,
ABC CORPORATION, ABC PARTNERSHIP,

Defendants.

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UPON review of the Notice of Removal (ECF Doc. No. 1), together with all exhibits thereto, this Court's prior Orders dated July 14, 2022, and July 15, 2022, and in light of the Second Circuit's decisions in *Solomon v. St. Joseph Hosp.*, 62 F.4th 54 (2d Cir. 2023), *Leroy v. Hume*, No. 21-cv-2158, 2023 WL 2928353 (2d Cir. Apr. 13, 2023), and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Ctr.*, No. 21-cv-2164, 2023 WL 2926286 (2d Cir. Apr. 13, 2023);

NOW, it is hereby ordered as follows:

1. This matter is remanded to the Supreme Court of the State of New York, New York County (index number 153230/2022), from which it was removed.
2. The Clerk is directed to return the file to the state court and close the case.
3. This remand shall be without costs to any party, and without prejudice to Defendant's ability to assert the defenses of immunity and/or preemption under the federal Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247d-6d, 247d-6e.

Dated: October 27, 2023



Hon. Paul A. Engelmayer
U.S. District Court Judge